

**ORANGE COUNTY FLOOD CONTROL**

"The peace, health and safety of the citizens of various cities in the southern part of this State are dependent upon the obtaining of an adequate supply of water for municipal and domestic use therein, from the Colorado river, by means of an aqueduct, diversion works and other facilities of such magnitude as to be possible only through the medium of the metropolitan water district, organized and functioning for the purpose of bringing such water to its component cities; that there is now a metropolitan water district, comprised of thirteen cities in the southern part of this State, organized and functioning for this purpose; that at an election held therein on the 29th day of September, 1931, the issuance of bonds sufficient to enable such district to commence the construction of the neces-

sary diversion works, aqueduct and other facilities, and the acquisition of the rights of way required therefor, was authorized; that if the provisions of this act become a law immediately, the sale by such metropolitan water district of its bonds so authorized, will be furthered, and such district thereby will be enabled to obtain without delay the necessary funds for the construction of such diversion works, aqueduct and other facilities and the acquisition of the rights of way therefor and the doing of the other things immediately required of such district in order to function properly for the immediate preservation of the peace, health and safety of the citizens of the component cities of such district."

**CHAPTER 36**  
**ORANGE COUNTY FLOOD CONTROL ACT****Section**

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*An Act to create a flood control district to be called "Orange county flood control district"; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof. (Stats.1927, c. 723, p. 1325.)*

**ORANGE COUNTY FLOOD CONTROL****App. § 36-2****Cross References**

Procedure for letting contracts, see Public Contract Code § 21020 et seq.  
Replenishment districts in Orange County, see Water Code § 60047.

**§ 36-1. Creation; boundaries**

Section 1. A flood control district is hereby created, to be called "Orange county flood control district" and the boundaries and territory of said district shall be as follows: All that portion of the county of Orange, lying within the exterior boundaries thereof.

(Stats.1927, c. 723, p. 1325, § 1.)

**Law Review and Journal Commentaries**

Evolution of forms of water users' organizations in California. Albert T. Henley, 45 Cal. L. Rev. 665 (1957). property. Arvo Van Alstyne, 20 Hastings L.J. 483 (1969).

Inverse condemnation liability for unintended physical damage: Privileged entry upon private

**Library References**

Water Law 2861, 2863.  
Westlaw Topic No. 405.

**§ 36-2. Objects and purposes; powers**

Sec. 2. (a) The purposes of this act are to provide for the control of the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which flow into the district, and to conserve those waters for beneficial and useful purposes by spreading, storing, retaining, and causing them to percolate into the soil within the district, or outside the district, or to save or conserve in any manner all or any of those waters and protect from damage from those flood or storm waters, the harbors, waterways, public highways, and property in the district.

(b) The Orange County Flood Control District is hereby declared to be a body corporate and politic and has all of the following powers:

- (1) To have perpetual succession.
- (2) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (3) To adopt a seal and alter it at pleasure.
- (4) To take by grant, purchase, gift, devise, or lease, and to hold, use, enjoy, and to sell, lease, exchange, or dispose of real or personal property of every kind, within or outside the district, necessary to the full exercise of its powers.
- (5) To acquire, or contract to acquire, lands, rights-of-way, easements, privileges and property of every kind, and to construct, maintain, and operate any and all works or improvements within or outside the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as authorized in this act.

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(6) To exercise the right of eminent domain, either within or outside the district, to take any property necessary to carry out any of the objects or purposes of this act.

(7) To incur indebtedness, and to issue bonds in the manner provided in this act.

(8) To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district in the manner provided in this act.

(9) To make contracts, and to employ labor, and to do all acts necessary for the full exercise of the powers of the district, or any of the officers thereof, by this act.

(10) To grant or otherwise convey to counties, cities and counties, cities, or towns, easements for street and highway purposes, over, along, in, through, across, or under any real property owned by the district.

(11) To remove, carry away, and dispose of any rubbish, trash, debris, or other inconvenient matter that may be dislodged, transported, conveyed, or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

(12) To sell or dispose of any property, or any interest therein, or lease or rent any property, or any interest therein, whenever, in the judgment of the board of supervisors, the property, or any interest therein or part thereof, is not required for the purposes of the district, or property may be leased, or included in community leases embracing adjoining lands, for any purpose, including leases for mining or extracting oil, gas, hydrocarbon substances, or other minerals, without interfering with the use of the property for the purposes of the district. If it appears that wells drilled upon private lands are draining or may drain oil, gas, or other hydrocarbon substances from lands owned by the district and operations for the production of oil, gas, or other hydrocarbons on land owned by the district might interfere with the use of that land for the purposes of the district, the district may enter into agreements with the owners or operators of the wells for the payment of compensation to the district for drainage in lieu of drilling offset wells upon the land owned by the district, and to pay any compensation received into the general fund of the district and use the compensation for the purposes of this act. However, nothing in this section authorizes the board of supervisors, or other governing body of the district, or any officer thereof, to sell, lease, or otherwise dispose of any water, water right, reservoir space, or storage capacity, or any interest or space therein, except as provided by Section 17. The district may also grant to the United States of America, or any agency thereof authorized to accept and pay for land which lies within any channel, dam, or reservoir site, improved or constructed, in whole or in part, with federal funds, upon the payment to the district of the actual cost thereof as determined by the board of supervisors of the district. The district, by and through its board of supervisors, may warrant and guarantee the title of all lands so transferred to the United States under this section.

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(13) Pursuant to paragraph (12), to lease or rent any property, or any interest therein or part thereof, if the board adopts a resolution that meets all of the following requirements, as applicable:

(A) Includes all of the following findings, based on evidence set forth in the minutes of the meeting:

(i) The property, or any interest therein or part thereof, is no longer or not yet needed for district uses and purposes, including, but not limited to, flood protection and water conservation, and the lease or rental use will not conflict with the uses and purposes of the district.

(ii) The lease or rental is consistent with the city or county general plan, specific plan, or other plans or policies adopted for the area within which the property is located, including any plans and regulations adopted pursuant to Chapter 4 (commencing with Section 8400) of Part 2 of Division 5 of the Water Code.

(iii) The lease or rental is consistent with city or county zoning ordinances, regulations, and policies adopted for the area within which the property is located.

(iv) The lease or rental is consistent with the city or county building regulations and policies adopted for the area within which the property is located.

(B) In the case of a rental, specifies the rental period and the approximate date on which the property will be needed for the uses and purposes of the district.

(C) For any property acquired by the district through eminent domain, declares that the property was acquired through eminent domain in accordance with Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure.

(14) To monitor, test, or inspect drainage, flood, storm, or other waters within the district for the purpose of recording, determining, and reporting the quality of the waters to appropriate regional water quality control boards.

(15) To assist the County of Orange and any city within the county in emergency operations to control or mitigate the effect of tides, waves, and ocean currents on the Orange County shoreline.

(16) To carry on technical and other investigations, examinations, or tests of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, control of floods, use of water, water quality, nuisance, pollution, waste, and contamination of water, both within and outside the district.

(17) To regulate, prohibit, or control the discharge of pollutants, waste, or any other material into the district's facilities by requiring dischargers to obtain a permit from the district prior to any discharge and by prohibiting the discharge of pollutants or other material which does or may cause a nuisance into the district's facilities without first obtaining a permit from the district, but, if a federal permit has been issued for the discharge, a permit may be issued by the district at no fee to the discharger; except as provided in this act, to require a fee to be collected prior to the issuance of a discharge permit, if the

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amount of the fee does not exceed the cost of issuing the permit; to require all permitholders to indemnify the district from any and all damages, penalties, or other expenses imposed on or required of the district by state or federal agencies due to any discharge by the permitholders into the district facilities.

(18) To establish compliance with any federal, state, or local law, order, regulation, or rule relating to water pollution or the discharge of pollutants, waste, or any other material into the district's facilities. For this purpose, any authorized representative of the district, upon presentation of his or her credentials or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, has the right of entry to any premises on which a water pollution, waste, or contamination source is located for the purpose of inspecting the source, including securing samples of discharges therefrom, or any records required to be maintained in connection therewith by federal, state, or local law, order, regulation, or rule.

(Stats.1927, c. 723, p. 1325, § 2. Amended by Stats.1939, c. 589, p. 1994, § 1; Stats.1957, c. 1036, p. 2269, § 2; Stats.1968, c. 522, p. 1167, § 1; Stats.1969, c. 316, p. 687, § 1; Stats.1975, c. 1276, p. 3483, § 13; Stats.1976, c. 932, p. 2131, § 1; Stats. 1986, c. 987, § 1; Stats.1992, c. 155 (A.B.3813), § 1; Stats.1993, c. 281 (A.B.954), § 1.)

**Law Revision Commission Comments****1975 Amendment**

The deleted portions of Section 2 [Water Code Appendix § 36-2] are superseded by provisions of the Eminent Domain Law. See Code Civ. Proc. §§ 1230.020 (uniform procedure), 1240.610 et seq. (more necessary public use).

**Historical and Statutory Notes**

Stats.1968, c. 522, p. 1167, § 1, contained no section numbered 2.

Operative effect of 1975 amendment, see Historical and Statutory Notes under Water Code Appendix § 37-2.

**Cross References**

Eminent domain, see Const. Art. 1, § 19; Civil Code § 1001; Code of Civil Procedure §§ 1230.010 et seq., 1240.010 et seq.

Levy and collection of taxes, generally, see Revenue and Taxation Code §§ 2151 et seq., 2501 et seq. State policy as to use of water resources, see Water Code § 100 et seq.

**Library References**

Westlaw Topic No. 405.

Water Law 2861, 2865(1).

Recommendations relating to condemnation law and procedure in special districts. 12 Cal.L.Rev.Comm. Reports 1101 (1974).

Sovereign immunity study. Cal.Law Revision Comm. (1963) Vol. 5, p. 25.

**Notes of Decisions****Contracts 1****1. Contracts**

A 1938 agreement between Orange county flood control district and state of California, by which district was to relocate and reconstruct

state highways affected or destroyed by Prado Dam, was not binding on United States which was not a party to the agreement and had no authority to acquire or pay for the taking of easements necessary for construction of dam. U.S. v. Certain Parcels of Land in Riverside County, Cal., S.D.Cal.1946, 67 F.Supp. 780. United States 59

**ORANGE COUNTY FLOOD CONTROL****App. § 36-2.2****§ 36-2.1. Reimbursement for funds previously expended; reduction of bonded indebtedness**

Sec. 2.1. In addition to its other powers, the Orange County Flood Control District may receive and accept funds, as reimbursement for funds previously expended by the district, or otherwise, and apply such funds toward the purchase and retirement of the outstanding bonds of the district or the payment of installments of principal or interest due, or which may become due, upon the outstanding bonds of the district.

(Added by Stats.1940, 1st Ex.Sess., c. 42, p. 117, § 1.)

**Historical and Statutory Notes**

Stats.1940, Ex.Sess., c. 42, p. 118, § 3 provides:

"Sec. 3. The purchase and retirement of any outstanding bonds by the district prior to the effective date of this act is hereby confirmed, validated and declared legally effective, if such purchase and retirement was duly authorized by the board of supervisors of the district."

**Former Notes**

Former § 2.1, added by Stats.1940, 1st Ex.Sess., c. 17, § 1, relating to purchase and retirement of bonds by the Orange County Flood Control District, was repealed by Stats.1940, 1st Ex.Sess., c. 42, p. 118, § 5.

**Library References**

Water Law 2902.  
Westlaw Topic No. 405.

**§ 36-2.2. Increase, improvement and conservation of water; importation and purchase; sale for beneficial purposes**

Sec. 2.2. In addition to its other powers, the district shall have the power to increase, to improve the quality of, and to prevent the waste or diminution of the water supply in, or unlawful exportation of water from, the district; to obtain, retain, conserve, treat by physical, chemical, or biological processes, or otherwise reclaim drainage, storm, flood and other water, within or outside of the district, for beneficial use within the district or for storage, discharge, or disposal in accordance with legally established water quality specifications; and to appropriate and acquire water and water rights, and import water into the district; to purchase water within or outside of the district for beneficial use within the district and, whenever the board of supervisors shall find it to be in the best interests of the district so to do, to sell such water for agricultural, domestic or other beneficial purposes within the district upon such terms and conditions as may be prescribed by the board of supervisors.

(Added by Stats.1949, c. 912, p. 1679, § 1. Amended by Stats.1951, c. 1352, p. 3265, § 1, eff. July 9, 1951; Stats.1976, c. 932, p. 2133, § 2.)

**Cross References**

Useful and beneficial purposes regarding use of water construed, see Water Code § 1004.

**Library References**

Water Law 2865(4).  
Westlaw Topic No. 405.

**App. § 36-2.3****WATER CODE—APPENDIX****§ 36-2.3. Recreational use of district property**

Sec. 2.3. In addition to its other powers, the board of supervisors shall have the power to permit recreational uses of the flood control district's properties upon a finding by the board of supervisors that said use will not impair or diminish existing or probable future requirements for flood prevention and water conservation. If the board of supervisors permits recreational use of the district's properties pursuant to this section, the board may set charges for such use sufficient to cover the costs of the district, or the estimated costs, incurred by the district in making and maintaining such facilities available for recreational use.

(Added by Stats.1963, c. 401, p. 1206, § 1.)

**§ 36-2.4. Additional powers**

Sec. 2.4. In addition to its other powers, the district shall have the power to preserve and enhance its properties and, upon a finding by the board of supervisors that the acquisition is necessary for such purpose, to acquire, preserve, and enhance lands or interests in lands contiguous to its properties, for the protection and preservation of the scenic beauty and natural environment of such properties or such lands.

(Added by Stats.1970, c. 268, p. 529, § 1.)

**Library References**

Water Law 2865(4).  
Westlaw Topic No. 405.

**§ 36-2.5. Regulations; adoption; abatement of violations as public nuisance; assessment of costs; liens**

Sec. 2.5. In addition to its other powers, the district shall have the power, after holding a public hearing on reasonable notice thereof, to adopt and enforce regulations within the incorporated and unincorporated areas of the district to control and enhance the quality of waters, to eliminate the pollution, waste, and contamination of waters flowing into, through, from, or originating within watercourses and impoundments, both natural and artificial, within the district, to prevent contamination, nuisance, pollution, or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in the district, and to expend such amounts as are necessary to exercise such powers from the funds of the district.

Violation of any of the provisions of a district regulation adopted pursuant to this section may be abated as a public nuisance by the district, and the board of supervisors may by regulation establish a procedure for the abatement of such a nuisance and to assess the cost of such abatement to the violator. If the violator maintains the nuisance upon real property in which he has a fee title interest, the assessment shall be a charge upon such real property. The assessment shall be collected at the same time and in the same manner as ordinary district taxes are collected pursuant to Sections 10 and 11 of this act, and shall be subject to the same penalties and the same procedure for sale in

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case of delinquency as provided for ordinary district taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent and unpaid charges relating to such property shall be transferred to the unsecured roll for collection. Any amounts of such assessments collected are to be credited to the funds of the district from which the costs of abatement were expended.

(Added by Stats.1976, c. 932, p. 2134, § 4.)

**Historical and Statutory Notes****Former Notes**

Former § 36-2.5, added by Stats.1939, c. 589, § 1.5, relating to authorization for oil and gas leases, was repealed by Stats.1976, c. 932, p. 2134, § 3. See Water Code Appendix § 36-2.6.

**Library References**

Water Law § 2865(4).  
Westlaw Topic No. 405.

**§ 36-2.6. Oil and gas leases; authorization; invitation, award and rejection of bids**

Sec. 2.6. (a) Whenever the board of supervisors of the district determines that it is for the best interest of the district to lease any district lands for the production of oil, gas, or other hydrocarbons, the board of supervisors shall prepare a form of lease therefor and may proceed to lease the same as provided in this section.

(b) When the form of lease has been prepared by the board of supervisors of the district the board shall give notice of intention to lease such lands. The notice shall be published once a week for two successive weeks in a daily or weekly newspaper of general circulation in the county in which such lands or the greater portion thereof are situated, and shall state the time (which shall not be less than 14 days after the last date of publication of the notice) and place for receiving and opening bids, a description of the lands, either as a tract or by parcels, and that the form of lease for the purpose of bidding may be procured at the designated office of the district.

(c) At the time and place specified in the notice, the board of supervisors of the district shall publicly open the sealed bids and shall award the lease for each parcel to the highest qualified bidder, unless in the opinion of the board of supervisors of the district, the acceptance of the highest bid for any parcel or parcels is not for the best interests of the district, in which event the board may reject the bids for such parcel or parcels. Thereupon new bids may be called for and the parcel or parcels for which the bids were rejected may be leased as herein provided.

(Added by Stats.1939, c. 589, p. 1996, § 1.6. Amended by Stats.1976, c. 932, p. 2134, § 5.)

**App. § 36-2.6****WATER CODE—APPENDIX****Historical and Statutory Notes****Derivation**

Former § 36-2.5, added by Stats.1939, c. 589, p. 1996, § 1.5.

Former § 36-2.7, added by Stats.1939, c. 589,

p. 1966, § 1.7.

**Cross References**

Official publication in newspapers of general circulation, see Government Code §§ 6000 et seq., 6040.

**§ 36-2.7. Repealed by Stats.1976, c. 932, p. 2135, § 6****Historical and Statutory Notes**

The repealed section, added by Stats.1939, c. 589, § 1.7, related to award of oil and gas leases and rejection of bids. Similar provisions were added at Water Code Appendix § 36-2.6.

**§ 36-2.8. Applicability of Improvement Act of 1911, Street Opening Act of 1903, Municipal Improvement Act of 1913, Improvement Bond Act of 1915; additional powers**

Sec. 2.8. The Improvement Act of 1911, the Street Opening Act of 1903, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to the district. In addition to all other powers granted under this act, the district may, whenever the public interest or convenience may require, in the discretion of the board of supervisors, use those acts or any of them to acquire, construct, or complete any improvements or work authorized by this act and to levy assessments and reassessments and issue bonds to pay for the costs and expenses of such improvements or work.

(Added by Stats.1957, c. 347, p. 988, § 1. Amended by Stats.1983, c. 815, § 2.)

**§ 36-2.9. Definitions**

Sec. 2.9. In the application of the acts referred to in Section 2.8, the terms used in those acts shall have the following meanings.

- (a) "City" means the Orange County Flood Control District.
- (b) "City council" or "legislative body" means the Board of Supervisors of the Orange County Flood Control District.
- (c) "Mayor" means the Chairman of the Board of Supervisors of the Orange County Flood Control District.
- (d) "Clerk" means the Clerk of the Board of Supervisors of the Orange County Flood Control District.
- (e) "Council chambers" means the place designated by the Board of Supervisors of the County of Orange for holding its regular meetings.
- (f) "Treasurer" means the Treasurer of the County of Orange.
- (g) "Auditor" means the Auditor of the County of Orange.
- (h) "Tax collector" means the Tax Collector of the County of Orange.
- (i) "Superintendent of streets" or "street superintendent" and "city engineer" means the Engineer of the Orange County Flood Control District, or any other person appointed to perform such duties.

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App. § 36-2.13  
Repealed

(j) All words relating to municipal officers and matters refer to the corresponding officers of the Orange County Flood Control District.

(Added by Stats.1957, c. 347, p. 989, § 2.)

**§ 36-2.10. Appointment of officer to perform additional duties**

Sec. 2.10. The board of supervisors may appoint any competent officer of the County of Orange, other than the engineer, to serve without additional compensation as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in any act referred to in Section 2.8.

(Added by Stats.1957, c. 347, p. 989, § 3.)

**Library References**

Water Law 2864.  
Westlaw Topic No. 405.

**§ 36-2.11. Engineer of work; appointment; duties; compensation**

Sec. 2.11. The board of supervisors may appoint an engineer of work, other than the engineer or in place of the engineer, in which event the duties to be performed by the city engineer as set forth in any act referred to in Section 2.8 shall be performed by the engineer of work whose compensation and expenses shall be fixed by the board of supervisors, and which shall constitute an incidental expense in the cost of the work.

(Added by Stats.1957, c. 347, p. 989, § 4.)

**Library References**

Water Law 2864.  
Westlaw Topic No. 405.

**§ 36-2.12. Engineer of work; direction of work; submission of assessment**

Sec. 2.12. The board of supervisors may provide that the work shall be done under the direction and to the satisfaction of the engineer of work, that the material used shall comply with his specifications and be to his satisfaction, and that he shall submit an assessment to the board of supervisors for confirmation.

(Added by Stats.1957, c. 347, p. 989, § 5.)

**Library References**

Water Law 2864.  
Westlaw Topic No. 405.

**§ 36-2.13. Repealed by Stats.1984, c. 1128, § 87****Historical and Statutory Notes**

The repealed section, added by Stats.1957, c. 347, § 6, related to contract recordation of assessment and warrant in engineer's office. See Public Contract Code § 21022.

**App. § 36-2.14****WATER CODE—APPENDIX****§ 36-2.14. Certified copy of assessment and diagram; recordation in county surveyor's office**

Sec. 2.14. As an additional notice, a certified copy of any assessment and the diagram attached thereto issued under any of the acts referred to in Section 2.8 shall be recorded in the office of the county surveyor if the improvement district, or any part thereof, is in incorporated territory.

(Added by Stats.1957, c. 347, p. 990, § 7.)

**§ 36-2.15. Proceedings under Special Assessment Investigation Limitation and Majority Protest Act of 1931; necessity; waiver**

Sec. 2.15. No construction of any work or improvement shall be made or assessments levied or bonds issued therefor under Sections 2.8 to 2.14 inclusive, of this act, without prior proceedings having been taken pursuant to the Special Assessment Investigation Limitation and Majority Protest Act of 1931,<sup>1</sup> unless such proceedings have been waived as provided in the act.

(Added by Stats.1957, c. 347, p. 990, § 8.)

<sup>1</sup> Streets and Highways Code § 2800 et seq.

**§ 36-3. Supervisors; officers; employees; ordinances, resolutions and legislative acts**

Sec. 3. The Board of Supervisors of Orange County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Orange County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

The county counsel, county clerk, county assessor, county tax collector, county auditor and county treasurer of the County of Orange, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Orange County, their assistants, deputies, clerks and employees shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Orange County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Orange County without additional compensation in order to carry out the provisions of this act.

Said board of supervisors may in their discretion employ special counsel and appoint such other officers for said district as in their judgment may be deemed necessary, and prescribe their duties and fix their compensation, which said officers shall hold office during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Orange.

(Stats.1927, c. 723, p. 1326, § 3. Amended by Stats.1957, c. 1036, p. 2271, § 3; Stats.1961, c. 305, p. 1346, § 1; Stats.1975, c. 114, p. 188, § 1.)

**ORANGE COUNTY FLOOD CONTROL****App. § 36-4****Library References**

Water Law § 2864.  
Westlaw Topic No. 405.

**§ 36-3.1. Claims for money or damages; law governing**

Sec. 3.1. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats.1959, c. 1728, p. 4164, § 21. Amended by Stats.1963, c. 1715, p. 3416, § 122.)

**Historical and Statutory Notes**

Applicability of Stats.1963, c. 1715, p. 3369,  
see Historical and Statutory Notes under Gov-  
ernment Code § 900.

**Library References**

Claims, actions and judgments against public entities and public employees; recommen- dation. Cal.Law Revision Comm. (1963) Vol. 4, p. 1007 et seq.

**§ 36-3.2. Violation of ordinances or regulations; misdemeanor; fine and imprisonment; injunction by civil suit**

Sec. 3.2. Any violation of an ordinance or regulation adopted pursuant to this act is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment not to exceed 60 days, or by both such fine and imprisonment. Any violation or threatened violation of an ordinance or regulation of the district may also be enjoined by civil suit. Each day of such violation shall be considered a separate offense.

(Added by Stats.1976, c. 932, p. 2135, § 7.)

**Cross References**

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

**Library References**

Water Law § 2911.  
Westlaw Topic No. 405.

**§ 36-4. Engineers; employment; investigation of plans; report; removal**

Sec. 4. Said board of supervisors shall have jurisdiction and power, and it shall be their duty to employ by resolution a competent engineer or engineers to investigate carefully the best plan to control the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district but which stream and the floodwaters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or conserve in any manner, any or all of such

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waters, and to protect the harbors, waterways, public highways and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution shall direct such engineer or engineers to make and file a report with said board of supervisors which shall show:

1. A general description of the work to be done.
2. General plans, profiles, cross-sections and general specifications of the work to be done.
3. A general description of the lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work including existing drainage works.
4. A map which shall show the location of the proposed work and improvements, and lands, rights-of-way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.
5. An estimate of the cost of such work, including an estimate of the cost of lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds necessary to be issued to pay for the same.

Such engineer or engineers, employed by said resolution shall have power and authority, subject to the control and direction of said board of supervisors, to employ such engineers, surveyors and others as may be required for making all surveys or doing any other work necessary for the making of such report.

The said board of supervisors may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

(Stats.1927, c. 723, p. 1327, § 4. Amended by Stats.1963, c. 401, p. 1206, § 2.)

**Cross References**

State policy regarding use of water, see Water Code §§ 100, 101.  
Useful and beneficial purpose, construed, see Water Code § 1004.

**Library References**

Water Law 2864, 2869.  
Westlaw Topic No. 405.

**§ 36-5. Engineer's report; adoption**

Sec. 5. After the report of the engineer or engineers provided for in the next preceding action has been filed with the said board of supervisors, said board shall consider the same, and may by resolution either adopt the same as filed, or may refer such report to such engineer or engineers, or to any other engineer or engineers, to be modified or changed, and when a report satisfactory to said board of supervisors has been filed with said board by any such

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engineer or engineers employed as aforesaid, the said board shall by resolution adopt said report, and state the amount of the entire estimated cost for which bonds are to be voted, and a finding in said resolution adopted by said board of supervisors as to the sufficiency of said report, and that the same complies with all the requirements of this act in relation thereto, shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general.

(Stats.1927, c. 723, p. 1328, § 5.)

**Cross References**

Attorney General, generally, see Government Code § 12500 et seq.

**§ 36-6. Bond election**

Sec. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed six per cent per annum.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and two clerks for each of such precincts.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published ten times in one or more daily or four times in a weekly,

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newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election two-thirds of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

(Stats.1927, c. 723, p. 1328, § 6. Amended by Stats.1933, c. 765, p. 2026, § 6.)

**Cross References**

Official publications in newspapers of general circulation, see Government Code §§ 6000 et seq., 6040.

“Special and local elections” defined, see Elections Code §§ 328, 356, 10001.

**Library References**

Water Law 2904.  
Westlaw Topic No. 405.

**§ 36-7. Bonds; form**

Sec. 7. The board of supervisors shall, subject to this act, prescribe by ordinance or resolution the form of the bonds. The bonds shall be issued in registered form. The bonds shall be payable substantially in the following manner: The board of supervisors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series; provided, that the earliest maturity of each issue or series, as the case may be, shall not be more than two years from the date of the bonds of that issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. The board of supervisors may determine in the resolution authorizing the issuance of the bonds that the principal amount of the bonds maturing each year shall be other than an amount equal to an equal annual proportion of the aggregate principal of the bonds, and it may determine that the amount of principal maturing in each year plus the amount of interest payable in that year shall as nearly as possible be an aggregate amount that is equal each year, except for the principal and interest due on the first series of the bonds which shall be adjusted to reflect the amount of interest earned from the date when the bonds bear interest to the date when the first interest is payable on the bonds, or it may make such other determination as to the amount of the aggregate principal of the bonds which shall mature in each year as it shall choose.

The bonds shall be issued in such denominations as the board of supervisors may determine, and shall be payable on the day and at the place fixed in the bonds, and with interest payable semiannually at the rate specified in the bonds, which rate shall not be in excess of the rate permitted under Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code. The bonds shall be signed by the chairperson of the board of supervisors, and countersigned by the auditor of the County of Orange,

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and the seal of the district shall be affixed thereto. The bonds may be authenticated by a paying agent selected by the board of supervisors, and the signatures of the chairperson and auditor thereon may be facsimile signatures. In case any officer whose signatures or countersignatures appear on the bonds shall cease to be such an officer before the delivery of the bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery of the bonds.

(Stats.1927, c. 723, p. 1329, § 7. Amended by Stats.1963, c. 401, p. 1207, § 3; Stats.1986, c. 987, § 2.)

**§ 36-8. Bonds; issue and sale; payments**

Sec. 8. The board of supervisors may issue and sell the bonds of the district authorized as provided in this act at not less than 95 percent of par value. The proceeds of the sale of the bonds shall be placed in the treasury of the County of Orange to the credit of the district, and the proper record of the transactions shall be placed upon the books of the county treasury. The district fund shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution calling the special bond election or, if pursuant to Sections 19.6 to 19.16, inclusive, no election is required, in the resolution confirming the engineer's report. Payments from the district fund shall be made upon demands prepared, presented, allowed, and audited in the same manner as demands upon the funds of the County of Orange.

(Stats.1927, c. 723, p. 1330, § 8. Amended by Stats.1963, c. 401, p. 1208, § 4; Stats.1986, c. 987, § 3.)

**Library References**

Water Law 2904.  
Westlaw Topic No. 405.

**§ 36-9. Bonds; lien**

Sec. 9. Any bonds issued under the provisions of this act shall be a lien upon all the taxable property of the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said district and all the taxable property in the district shall be and remain liable to be taxed for such payments as hereinafter provided.

(Stats.1927, c. 723, p. 1330, § 9.)

**§ 36-10. Bond tax**

Sec. 10. The board of supervisors shall levy a tax each year upon all the taxable property in such district sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected at the time and in the same manner as the general tax levy for

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county purposes, and when collected shall be paid into the county treasury of said Orange county to the credit of said district fund, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasury of said Orange county in the manner provided by law for the payment of principal and interest on bonds of said county.

(Stats.1927, c. 723, p. 1330, § 10.)

**Cross References**

Levy and collection of taxes, generally, see Revenue and Taxation Code §§ 2151, 2501 et seq.  
Manner of payment of county bonds, see Government Code § 29911 et seq.

**§ 36-11. Bond tax; law applicable**

Sec. 11. The provisions of the Political Code of this state, prescribing the manner of levying, assessing, equalizing and collecting taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

(Stats.1927, c. 723, p. 1331, § 11.)

**§ 36-12. Bonds; legal investment**

Sec. 12. The bonds of said Orange county flood control district issued pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment of the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

(Stats.1927, c. 723, p. 1331, § 12.)

**§ 36-13. Bonds; force, value and use**

Sec. 13. All bonds issued by said district under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality in this state, and shall be free and exempt from all taxation within the State of California.

(Stats.1927, c. 723, p. 1331, § 13.)

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App. § 36-13½

## Library References

Water Law 2871.  
Westlaw Topic No. 405.

**§ 36-13½. Acceptance of improvements or drainage systems; assumption of indebtedness; maintenance; special tax**

Sec. 13½. The board of supervisors of said Orange County Flood Control District, by a four-fifths vote, may accept on behalf of said district a transfer and conveyance of any storm drain improvements, drainage improvements or drainage systems lying within the territorial limits of the flood control district and within any of the following described classes, to wit:

1. Those which were constructed under the jurisdiction, control or supervision of the board of supervisors of the County of Orange and which are under the jurisdiction of said board;
2. Those which were constructed by or for the County of Orange or any drainage district within said county or by or for the Orange County Flood Control District;
3. Those constructed pursuant to the provisions of an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in communities in which they lie," approved March 21, 1903, as amended,<sup>1</sup> and those which have been constructed pursuant to the provisions of the Drainage District Improvement Act of 1919, as amended,<sup>2</sup> prior to January 1, 1939;

4. Those within any incorporated city, town or municipality of the County of Orange whose legislative body has transferred and conveyed such storm drain improvements, drainage improvements or drainage systems to said flood control district and incorporated cities, towns and municipalities lying within the County of Orange are hereby authorized to transfer and convey such storm drain improvements, drainage improvements or drainage systems to said flood control district. Upon the transfer or conveyance to said flood control district of any such storm drain improvements, drainage improvements or drainage systems, to pay the cost and expense of the construction of which bonds have been issued, said flood control district shall thereupon be and become liable for the payment of the principal upon the bonds maturing subsequent to the date of such conveyance and upon the indebtedness represented by interest coupons maturing subsequent to such date of transfer. The board of supervisors of the flood control district shall levy a special tax each year upon the taxable real property in said flood control district sufficient to pay the principal and interest on the bonds as such principal and interest become due subsequent to the date of such conveyance and transfer. Such tax shall be levied and collected on said real property at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury of said County of Orange and shall be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on such bonds shall be paid from the county treasury of said County of Orange in the manner provided by law for the payment of principal and interest on bonds

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of said county. Whenever the acquisition of such drainage facilities has been included within a bond proposal of the flood control district and the electors have authorized the acquisition of such existing facilities and the issuance of bonds therefor, the board of supervisors in lieu of levying a special tax to pay the principal and interest of any bonds which have been heretofore issued and to pay the cost and expense of construction shall use the proceeds of the flood control district bond issue to retire the bonds on the facilities so acquired.

Upon the transfer or conveyance to said flood control district of any such storm drain improvements, drainage improvements or drainage systems, and acceptance by the board of supervisors said flood control district shall thereafter do all things necessary for the proper operation, maintenance, repair and improvement of any such storm drain improvements, drainage improvements or drainage systems.

The board of supervisors of the flood control district shall have power in any year to levy a special tax upon the taxable real property in said flood control district sufficient to pay the cost and expense of operating, maintaining, repairing and improving the storm drain improvements, drainage improvements, or drainage systems so conveyed and transferred, which said tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said district and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to the taxes authorized to be levied under Section 14 of this act.

(Added by Stats.1939, c. 589, p. 1997, § 2. Amended by Stats.1963, c. 401, p. 1209, § 5.)

<sup>1</sup> See Water Code App. § 8-1 et seq.

<sup>2</sup> See Water Code App. § 31-1 et seq.

**Cross References**

Manner of levying and collecting tax, see Revenue and Taxation Code §§ 2151 et seq., 2501 et seq.

**§ 36-14. Taxation; maximum levy; zones of benefit**

Sec. 14. The board of supervisors of the district may, in any year, levy a tax or assessment upon taxable real property in the district, to carry out any of the objects or purposes of this act, and to pay the cost and expenses of constructing, maintaining, operating, extending, and repairing any works or improvements which are authorized by this act during the ensuing fiscal year. The board of supervisors may also levy such an assessment for payment of the local share of the cost of any works or improvements or project undertaken by the federal government or the state, or both, or payment of the annual amount of repayment of a loan or loans from the federal government or the state, or both, representing the local share of the cost of the works or improvements or project, or the district's annual share of the cost of the operation, maintenance, and repair of the works or improvements. The tax or assessment shall be

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**App. §§ 36-15 to 36-15.1  
Repealed**

levied and collected and become delinquent at the same time and in the same manner and have the same lien priority as the general tax levy for county purposes, and bear the same penalties and interest after delinquency. The revenues derived from the tax or assessment shall be paid into the county treasury to the credit of the construction and maintenance fund of the district, and the board of supervisors may control and order the expenditure thereof for those purposes. The maximum tax levied under this section for any one fiscal year shall not exceed twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in the district, exclusive of any tax levied to meet the bonded indebtedness of the district, and the interest thereon.

Assessments levied pursuant to this section shall be based upon the benefit which each parcel of real property to be assessed will derive from the works and improvements to be constructed, maintained, operated, extended, or repaired. For purposes of levying any assessment, the board of supervisors may establish one or more zones of benefit, including parcels of real property which benefit similarly from those works and improvements, and may levy different assessments within those zones. The zones of benefit shall be identified and described in a resolution adopted by the board of supervisors. In levying assessments pursuant to this section, the board of supervisors may employ any of the procedures provided for in Sections 19.6 to 19.14, inclusive, which it deems appropriate. Proceedings for levying assessments pursuant to this section may be combined with proceedings for levying assessments pursuant to Sections 19.6 to 19.14, inclusive, and the procedures prescribed by those sections shall be modified as the board of supervisors deems necessary to accommodate the combination of the proceedings.

(Stats.1927, c. 723, p. 1331, § 14. Amended by Stats.1939, c. 589, p. 1998, § 3; Stats.1951, c. 1352, p. 3265, § 2, eff. July 9, 1951; Stats.1959, c. 1510, p. 3799, § 1; Stats.1969, c. 295, p. 662, § 1, eff. June 30, 1969; Stats.1986, c. 987, § 4.)

**Cross References**

Levy and collection of taxes for county purposes, generally, see Revenue and Taxation Code §§ 2151 et seq., 2501.

**Library References**

Water Law 2888.  
Westlaw Topic No. 405.

**§§ 36-15 to 36-15.1. Repealed by Stats.1984, c. 1128, §§ 88 to 91****Historical and Statutory Notes**

Section 36-15, enacted by Stats.1927, c. 723, § 15, amended by Stats.1939, c. 589, § 4, related to awarding contracts based on bids. See Public Contract Code §§ 21020.2 to 21020.9.

Section 36-15a, added by Stats.1939, c. 589, § 5, related to contract clauses required for federal aid. See Public Contract Code § 21023.

Section 36-15b, added by Stats.1939, c. 589, § 5.5, related to law applicable to contracts. See Public Contract Code § 21021.

Section 36-15.1, added by Stats.1973, c. 244, p. 634, § 1, related to negotiation of contracts without bids for emergency work. See Public Contract Code § 21024.

**App. § 36-16****WATER CODE—APPENDIX****§ 36-16. Administrative rules; works; acquisition of property; condemnation**

Sec. 16. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district.

Said board of supervisors shall have power to do all work and to construct and acquire all improvements necessary or useful for carrying out any of the purposes of this act; and said board of supervisors shall have power to acquire either within or without the boundaries of said district, by purchase, donation or by other lawful means in the name of said district, from private persons, corporations, reclamation districts, swampland districts, protection districts, drainage districts, irrigation districts, or other public corporations or agencies or districts, all lands, rights-of-way, easements, property or materials necessary or useful for carrying out any of the purposes of this act; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers conferred by this act, or arising out of the use, taking or damage of any property, rights-of-way or easements, for any such purposes; to compensate any reclamation district, protection district, drainage district, irrigation district or other district, public corporation or agency or district, for any right-of-way, easement or property taken over or acquired by said Orange County Flood Control District as a part of its work of flood control or conservation or protection provided for in this act, and any such reclamation district, protection district, drainage district, irrigation district or other district or public corporation or agency is hereby given power and authority to distribute such compensation in any manner that may be now or hereafter allowed by law; to maintain actions to restrain the doing of any act or thing that may be injurious to carrying out any of the purposes of this act by said district, or that may interfere with the successful execution of said work, or for damages for injury thereto; to do any and all things necessary or incident to the powers hereby granted, or to carry out any of the objects and purposes of this act; to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose.

The board of supervisors of said district is hereby vested with full power to do all other acts or things necessary or useful for the promotion of the work of the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes, and to protect from damage from such storm or floodwaters the harbors, waterways, public highways and property in said district; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons, to divert the

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waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless, previous compensation be first ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses; but provided, further, no right to take by condemnation any property shall exist on behalf of said district at a greater distance than 15 miles outside the exterior boundaries thereof; and provided, further, that nothing in this act contained shall be construed as in any way affecting the plenary power of any incorporated city, city and county, or town, or municipal or county water district, to provide for a water supply of such public corporation, or as affecting the absolute control of any properties of such public corporations necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in said Orange County Flood Control District, or in any officer thereof, or in any person referred to in this act; and provided, further, that nothing in this act contained shall be deemed to authorize said board of supervisors to raise money for said district by any method or system other than that by the issuing of bonds, or the levying of a tax upon the assessed value of all the taxable property in said district in the manner in this act provided.

(Stats.1927, c. 723, p. 1333, § 16. Amended by Stats.1961, c. 305, p. 1347, § 2; Stats.1975, c. 1276, p. 3484, § 14.)

**Law Revision Commission Comments****1975 Amendment**

The deleted portion of Section 16 [Water Code Appendix § 36-16] is superseded by the Eminent Domain Law. See Code Civ.Proc. §§ 1230.020 (uniform procedure), 1240.010 (declaration that use is a public use is unnecessary), 1240.610 et seq. (more necessary public use), 1250.210 (identification of plaintiff). The word "condemnation" is deleted from the second paragraph of Section 16 [Water Code Appendix § 36-16] to avoid any implication that the broad grant of condemnation authority under Section 2 [Water Code Appendix § 36-2] is

limited to the types of property enumerated in Section 16 [Water Code Appendix § 36-16]. Under Section 16 [Water Code Appendix § 36-16], any type of property or right or interest therein may be taken by eminent domain. See Code Civ.Proc. §§ 1235.170, 1240.110. Also, the enumeration of specific types of property in Section 16 [Water Code Appendix § 36-16] does not limit the right to acquire other types of property by purchase or other means. Code Civ.Proc. § 1240.130; cf. Code Civ.Proc. § 1230.030.

**Historical and Statutory Notes**

Operative effect of 1975 amendment, see Historical and Statutory Notes under Water Code Appendix § 37-2.

**Cross References**

Eminent domain, see Const. Art. 1, § 19; Civil Code § 1001; Code of Civil Procedure §§ 1230.010 et seq., 1240.010 et seq.

State policy regarding the use of water, see Water Code § 100 et seq.  
Useful and beneficial purposes, construed, see Water Code § 1004.

**Library References**

C.J.S. Eminent Domain §§ 40, 42.  
Westlaw Topic Nos. 148, 405.

Water Law ¶2864, 2865(4), 2871.  
Eminent Domain ¶30, 31.

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Recommendations relating to condemnation law and procedure in special districts. 12 Cal.L.Rev.Comm. Reports 1101 (1974).

Sovereign immunity study. Cal.Law Revision Comm. (1963) Vol. 5, p. 88.

**§ 36-16.1. Repealed by Stats.1975, c. 1276, p. 3486, § 15****Law Revision Commission Comments****1975 Repeal**

Section 16.1 [Water Code Appendix § 36-16.1] is superseded by Code of Civil Procedure Sections 1240.350 and 1240.410 et seq.

**Historical and Statutory Notes**

The repealed section, added by Stats.1957, c. 1036, § 1, related to condemnation of part or parcel causing substantial damage to remainder.

Operative effect of 1975 repealer, see Historical and Statutory Notes under Water Code Appendix § 37-2.

**§ 36-17. Cooperation**

Sec. 17. Said board of supervisors of said district shall have full power and authority to cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or to monitor, test, or inspect such waters for the purpose of determining the quality thereof, or for the protection of property, or any of the harbors, channels, waterways, roads or highways in said district, or for the purpose of conserving said waters for beneficial use and to adopt a definite plan or system of work for such purpose, and when so adopted no substantial change affecting their interest shall thereafter be made in the same without the express consent of the officer, board, commission, department or agency of the state or federal government, or public or private corporation, in conjunction with which the same was originally adopted. (Stats.1927, c. 723, p. 1335, § 17. Amended by Stats.1939, c. 589, p. 2001, § 6; Stats.1968, c. 522, p. 1169, § 3.)

**Library References**

Water Law 2865(4).  
Westlaw Topic No. 405.

**§ 36-17a. Right of way over public lands**

Sec. 17a. There is hereby granted to Orange County Flood Control District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, jetties, embankments and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such

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works or adjuncts thereto is made by the district the board of supervisors thereof must transmit to the State Lands Commission, the State Controller, and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made, it shall indorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

(Added by Stats.1939, c. 589, p. 2001, § 7.)

**Cross References**

State Controller, generally, see Government Code § 12402 et seq.

**Library References**

Water Law 2871.  
Westlaw Topic No. 405.

**§ 36-18. Additional bonds**

Sec. 18. Whenever said board of supervisors shall by resolution passed by a vote of four-fifths of all its members determine that the public interest or necessity of said district demands the issuance of additional bonds for carrying out the work of flood control, or for any of the purposes of this act by said district, said board of supervisors may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

(Stats.1927, c. 723, p. 1335, § 18. Amended by Stats.1955, c. 1, p. 429, § 1, eff. January 13, 1955.)

**Library References**

Water Law 2904.  
Westlaw Topic No. 405.

**§ 36-18.5. Expenditure for purpose bonds voted unwise; special election to use money for other purposes**

Sec. 18.5. Whenever the said board of supervisors of said district determines by resolution that the expenditure of money raised by the sale of bonds for the purpose for which the bonds were voted is impracticable or unwise, it may call a special election to obtain the consent of the electors to use the money for any lawful purpose authorized by this act without specifying the particular purpose or purposes.

The procedure for the calling and holding of said election shall, so far as practicable, be the same as when the bond proposition was originally submitted, except that the provisions relating to the preparation, submission and approval of an engineer's report shall be inapplicable.

(Added by Stats.1955, c. 1, p. 429, § 2, eff. January 13, 1955.)

**App. § 36-18.5****WATER CODE—APPENDIX****Library References**

Water Law 2904.  
Westlaw Topic No. 405.

**§ 36-19. Bond election; adverse vote; time for new election**

Sec. 19. Should the proposition of issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall have power and authority at the expiration of six months after such election, to call or order another election for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

(Stats.1927, c. 723, p. 1335, § 19.)

**Library References**

Water Law 2904.  
Westlaw Topic No. 405.

**§ 36-19.5. Bonds; retirement; rejection of offers to sell to district; payment of Installments of principal or interest**

Sec. 19.5. Any funds received by the district from the Federal Government, or any department, agency, or instrumentality thereof, as reimbursement to the district for funds previously expended by it, or otherwise, together with any funds received by the district as income, other than income received by taxation, and including all funds received by the district as the result of the sale, lease or rental of the property of the district, may, by resolution adopted by the board of supervisors of the district, be used to purchase and retire the outstanding bonds of the district.

The board may reject any or all offers to sell such bonds to the district. All such bonds purchased by the district shall be purchased at a price which shall not exceed the prevailing market price and in no event shall the purchase price be more than 5 per cent above the par value.

All funds of the district available for the purchase and retirement of bonds under the provisions of this section may also, by resolution adopted by the board of supervisors of the district, be used to pay installments of principal or interest due, or to become due, upon the outstanding bonds of the district.

(Added by Stats.1940, Ex.Sess., c. 42, p. 117, § 2.)

**Historical and Statutory Notes****Former Notes**

Former § 19.5, added by Stats.1940, 1st Ex. Sess., c. 17, p. 42, § 2, relating to purchase and

retirement of bonds by the Orange County Flood Control District, was repealed by Stats. 1940, 1st Ex.Sess., c. 42, p. 118, § 5.

**§ 36-19.6. Bond issues; reports**

Sec. 19.6. The board of supervisors may determine that it may be necessary to sell bonds of the district to finance needed flood control improvements for

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the protection and benefit of portions of the district which the board determines cannot be financed from annual revenues from taxes or assessments, or both, over a period of years without selling bonds. The board of supervisors may also determine that it may be necessary to sell bonds of the district to finance the local share of the cost of any flood control improvements or projects undertaken by the federal government or the state, or both. The board of supervisors shall make these determinations by adopting a resolution indicating its intention to finance the improvements through the issuance of bonds, generally describing the improvements to be financed with the proceeds of the bonds and referring the improvements to an engineer selected by the board and therein named for the preparation and filing with the board of a report with regard to the proposed improvements. The portions of the district which will benefit from the sale of the bonds and the flood control improvements to be financed shall be designated in the resolution of the board making those determinations as the area of benefit for the specified project, or by some similar designation.

The report shall contain, among other things, all of the following:

(a) A general description of the improvements.

(b) Estimates of the cost of the improvements, the cost of land, rights-of-way, and easements, incidental expenses in connection with the improvements, and expenses in connection with the issuance of the bonds, and if part of the cost of the improvements will be paid from contributions from the federal government or the state, or both, an estimate of the expected total amount of those contributions.

(c) A map which shows the location of the proposed improvements and lands, rights-of-way, easements, and property to be taken, acquired, or injured in carrying out the construction of the improvements, and any other information in regard to those matters as may be deemed useful. However, improvements, lands, rights-of-way, easements, and property which will be located outside the district or outside the area of benefit need not be shown on the map.

(d) A map or maps showing the location of the lots and parcels of property in the area of benefit which will derive special benefit from the proposed improvements and which are proposed to be assessed for the cost thereof.

(e) A listing by county assessor's parcel numbers of the lots and parcels of property within the area of benefit which will derive special benefit from the improvements and which are proposed to be assessed and pay annual assessments for the payment of principal and interest on the bonds, and the estimated maximum amount of the annual assessment to be levied on each lot or parcel.

(f) A general analysis of the engineer's determination as to how the lots and parcels proposed to be assessed in the area of benefit and each proposed zone of benefit therein will derive special benefit from the proposed improvements.

The engineer may propose in the report that parcels of property in the area of benefit which benefit similarly but differently from other parcels from the improvements be included in different zones of benefit which shall be identified by boundary lines on the map or maps specified in subdivision (d). If the

**App. § 36-19.6****WATER CODE—APPENDIX**

engineer proposes in the report the establishment of different zones of benefit, the listing referred to in subdivision (e) shall also identify the zone of benefit in which each lot or parcel is proposed to be included.

(Added by Stats.1986, c. 987, § 5.)

**§ 36-19.7. Flood protection improvements; assessments of property specially benefitted**

Sec. 19.7. If the improvements are proposed to provide protection against flooding in a floodway or flood plain designated on the general plan of the County of Orange or any city therein or a flood plain area or flood-risk zone established by the Secretary of Housing and Urban Development of the United States pursuant to Section 4101 et seq. of Title 42 of the United States Code<sup>1</sup>, the fact that a lot or parcel of property is located within that floodway or flood plain or flood-risk area shall be conclusive evidence that it will derive special benefit from the improvements. Assessments based on special benefit may be levied on lots and parcels of property included in an area of benefit or in zones of benefit therein on the basis of proportionate stormwater runoff.

(Added by Stats.1986, c. 987, § 6.)

<sup>1</sup> 42 U.S.C.A. § 4101 et seq.

**§ 36-19.8. Hearings; notice**

Sec. 19.8. (a) When the report of the engineer is filed with the board of supervisors, the board may at a regular or special meeting approve the report and schedule a hearing thereon. The hearing shall be scheduled not earlier than 30 days and not later than 90 days following approval of the report. Notice of the hearing shall be published pursuant to Section 6066 of the Government Code, and the first publication shall occur not later than 20 days before the date of the hearing. The notice to be published shall be entitled "Notice of Flood Control Improvements," shall include the time and place of the hearing on the proposed improvements and on the proposed bonds and annual assessments, shall generally describe the proposed improvements and the proposed area of benefit and refer to the report of the engineer for further particulars, shall state that the board of supervisors is considering issuing bonds to finance the cost of the proposed improvements, or the local share thereof, and the amount of the bonds which would be issued, shall also state that the board of supervisors is considering levying annual assessments on lots and parcels of property within the area of benefit to pay principal and interest on the bonds, and shall contain the name and telephone number of an officer or employee of the district to answer inquiries regarding the protest proceedings.

(b) A notice of the time and place of the hearing shall also be mailed, postage prepaid, to all persons owning real property proposed to be assessed as their names and addresses appear on the last equalized assessment roll for county taxes. The notices shall be mailed not later than 20 days before the date of the hearing. The notices to be mailed shall be entitled "Notice of Flood Control Improvements" and shall contain all of the following:

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- (1) A statement of the time, place, and purpose of the hearing on the improvements and the proposed annual assessments.
- (2) A statement of the total estimated cost of the proposed improvements.
- (3) A statement that the board of supervisors proposes to issue and sell bonds to finance the cost of the proposed improvements, or the local share thereof, and to levy annual assessments on lots and parcels of property within the area of benefit which will derive special benefit therefrom to pay the principal of, and interest on, the bonds.
- (4) The estimated maximum amount of the annual assessment to be levied on the particular parcel of property to which the notice relates, and a statement that the annual assessment to be levied on the parcel may not exceed 110 percent of that estimated maximum amount.
- (5) A statement that any owner of a lot or parcel of property proposed to be assessed for the cost of the improvements or the payment of the principal of and interest on the bonds may file a written protest with the clerk.
- (6) The name and telephone number of an officer or employee of the district designated by the board of supervisors to answer inquiries regarding the protest proceedings.
- (c) If the engineer's report proposes the designation of two or more zones of benefit within the area of benefit wherein parcels will be assessed different amounts of annual assessments, the notice shall also advise each owner of this and of the zone in which his or her lot or parcel will be located.

(Added by Stats.1986, c. 987, § 7.)

**§ 36-19.9. Assessments; protests**

Sec. 19.9. Any owner of a lot or parcel of property proposed to be assessed annual assessments for the payment of the principal of and interest on the bonds may protest the proposed improvements, the extent of the area of benefit or any proposed zone of benefit, or the proposed maximum annual assessment against his or her lot or parcel by filing a written protest with the clerk at or before the time set for the hearing. Each protest shall contain a description of the lot or parcel in which each signer thereof has an ownership interest sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of the lot or parcel, the protest shall contain or be accompanied by written evidence that the signers are the owners of the property. The clerk shall endorse on each protest the date of its receipt, and at the time appointed for the hearing shall present to the board of supervisors all protests filed with the clerk.

(Added by Stats.1986, c. 987, § 8.)

**§ 36-19.10. Engineer's reports; zone of benefit boundaries**

Sec. 19.10. At the time of the hearing, the engineer's report shall be summarized and the board of supervisors shall afford all persons who are present an opportunity to comment upon, object to, or present evidence with

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regard to, the proposed improvements, the proposed area of benefit and zones of benefit, the issuance and sale of the bonds, the proposed estimated maximum amount of annual assessment against any lot or parcel of property, or any other matter relating thereto. At the conclusion of the hearing, the board of supervisors may confirm the report of the engineer or direct its modification in any respect, and thereafter confirm the report as modified. The board may change the boundaries of the area of benefit or any zone of benefit identified in the report to exclude lots and parcels of property which it determines will not derive special benefit from the proposed improvements, but may not change the boundaries of the area of benefit or any zone of benefit therein to include lots and parcels which are not listed in the report. The hearing may be continued from time to time not exceeding a total of 180 days.

(Added by Stats.1986, c. 987, § 9.)

**§ 36-19.11. Zones of benefit; protests; elections**

Sec. 19.11. If the board of supervisors finds that written protests filed at or before the time of the hearing are signed by the owners of more than 25 percent of the area of land in the area of benefit or in any proposed zone of benefit therein, and protests are not withdrawn at the time of the hearing so as to reduce the percentage of protest for all proposed zones of benefit below that percentage, the board of supervisors shall either abandon the proceedings or by duly adopted resolution submit the propositions of the issuance of the bonds and the levy of the assessments to the voters within each zone of benefit from which the protest was received and not so reduced, and shall not proceed further with the proceedings as to any zone of benefit unless a majority of the combined votes cast at the election in all zones of benefit wherein it is held are in favor of the issuance of bonds and the levy of assessments. The board of supervisors may elect to submit the question of the issuance of the bonds and the levy of the assessments to the voters in all zones of benefit.

(Added by Stats.1986, c. 987, § 10.)

**§ 36-19.12. Election dates; precincts; officers**

Sec. 19.12. The election may be called on any of the election dates prescribed by Section 2500 of the Elections Code, and the propositions regarding the issuance of the bonds and the levy of annual assessments for the payment of the principal of, and interest on, the bonds shall be combined in single ballot measure. The election shall be conducted as nearly as practicable in conformity with the general election law of the state. The election may be consolidated with any other elections which will be conducted on the same date within the zone or zones of benefit where the election will be held. The board of supervisors may form election precincts by adopting the precincts established for general elections or by consolidating precincts within the zone or zones of benefit where the election is to be held, and shall appoint only one inspector, two judges, and one clerk for each precinct. The district shall pay the county for costs incurred by the county in conducting the election.

(Added by Stats.1986, c. 987, § 11.)

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**§ 36-19.13. Abandonment of proceedings; failure to receive approval**

Sec. 19.13. If the board of supervisors abandons the proceedings rather than call an election, or if an election is held and the required approving vote is not received, it shall not initiate similar proceedings within a period of 180 days from the date of adoption of the resolution ordering abandonment of the proceedings or the date of the election.

(Added by Stats.1986, c. 987, § 12.)

**§ 36-19.14. Engineer's report; confirmation; zone of benefit boundaries**

Sec. 19.14. If at the conclusion of the hearing the board of supervisors determines that protests received for the area of benefit and for each of the proposed zones of benefit therein are below the percentage set forth in Section 19.11 or if the propositions regarding issuance of the bonds and the levy of annual assessments are submitted to election in any zone of benefit and the combined votes cast in all zones of benefit wherein the election is held are in favor of the propositions, the board may adopt a resolution confirming the engineer's report, and, ordering the improvements, or payment of the local share of the cost thereof, if the improvements are to be undertaken by the federal government or the state, or both, and the issuance of the bonds. The board shall also establish in this resolution the boundaries of the area of benefit and all zones of benefit therein by reference to the map or maps contained in the confirmed engineer's report.

(Added by Stats.1986, c. 987, § 13.)

**§ 36-19.15. Bond issues; competitive bids; negotiated sales**

Sec. 19.15. The board of supervisors may authorize the issuance of bonds on the basis of competitive bids or negotiated sale. The board of supervisors shall establish a process for selecting bond counsel, including at least two proposing firms. If the bonds are to be sold on the basis of a negotiated sale, the board of supervisors shall establish a process of selecting underwriters including at least five proposing underwriter firms, unless the board finds, four-fifths of its members concurring, that fewer than five underwriting firms are willing to submit proposals. If competitive bids are to be received, notice of the time and place of the receipt of bids shall be published in a financial journal of general circulation in the state as provided in Section 6066 of the Government Code. The bonds shall be issued and sold as provided in and be subject to Sections 7 to 9, inclusive.

(Added by Stats.1986, c. 987, § 14.)

**§ 36-19.16. Special benefits from improvements; assessment**

Sec. 19.16. After the authorization and sale of bonds pursuant to Sections 19.6 to 19.15, inclusive, the board of supervisors shall levy an assessment each year upon the lots and parcels of property identified and listed in the engineer's report based upon the special benefit to be derived thereby from the improvements as specified therein in a total amount sufficient to pay interest on the

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bonds for that year and that portion of the principal thereof as is to become due before the time for making the next general tax levy. The board may also include in the total amount of the assessment levied in any year the estimated amount of the district's cost of levying and collecting the assessments, the cost of registration, transfer, and payment of the bonds, the expected amount of delinquency in payment of assessments, and the amount, if any, needed to replenish the reserve fund for the bonds as a result of past delinquencies in payment of assessments. However, the amount of the annual assessment on any lot or parcel in any year shall not exceed 110 percent of the estimated amount of the maximum annual assessment set forth in the engineer's report for the lot or parcel. The annual assessments shall be levied, collected, and become delinquent at the same time and in the same manner and have the same lien priority and bear the same penalties and interest after delinquency as the general tax levy for county purposes. When collected, the assessments collected shall be paid into the county treasury of the County of Orange to the credit of the district, and be used for the payment of the principal of, and interest on the bonds, the replenishment of the reserve fund for the bonds, and the district's expenses incurred in collecting the assessments, and for no other purpose. The principal of, and interest on, the bonds shall be paid by the county treasurer of the county in the manner provided by law for the payment of principal of, and interest on, bonds of the county, except that the board of supervisors may determine in the resolution authorizing the issuance of the bonds that the principal and interest shall be paid by a paying agent, other than the county treasurer, named therein.

(Added by Stats.1986, c. 987, § 15.)

**§ 36-19.17. Reserve fund**

Sec. 19.17. The board of supervisors may include in the aggregate principal amount of the bonds an amount for a reserve fund for the payment of the principal of, and interest on, the bonds in the event that as a result of delinquencies in the payment of annual assessments levied on benefiting lots and parcels there is a deficiency in the amount needed for the payment of principal and interest. The amount to be included for the reserve fund shall not exceed 15 percent of the total principal amount of the bonds. The reserve fund and all interest earned thereon shall be used solely for the payment of the principal of, and interest on, the bonds, if there is a deficiency, and then only to the extent of the deficiency. Notwithstanding any other provision of this section, for the purposes of assuring that the bonds will not become arbitrage bonds as defined in the Internal Revenue Code of 1954 (Title 26 of the United States Code)<sup>1</sup> and regulations promulgated thereunder by the Department of Treasury, and providing for a reduction of the amount of money in the special reserve fund during the term of the bonds, the board of supervisors may, by resolution adopted prior to the issuance of the bonds, provide that money in the reserve fund, including investment income, shall be transferred to the redemption fund for the bonds for advance retirement of the bonds. The balance remaining in the reserve fund at the time of the levy of the annual assessments for the payment of the principal of and interest on the last series of the bonds

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shall be transferred to the redemption fund and taken into consideration by the board of supervisors in determining the aggregate amount of the annual assessments to be levied for the payment of the principal and interest. In lieu of establishing a reserve fund or in addition thereto, the board of supervisors may, in determining the amount of the assessments to be levied on lots and parcels benefiting from the improvements in any year, include in the assessments a proportionate share of any expected amount of delinquency in payment of assessments, or a proportionate share of the amount needed to replenish the reserve fund as a result of past delinquencies in the payment of assessments.

Notwithstanding the preceding provisions of this section, if any amendment to the Internal Revenue Code of 1954 or the regulations of the Department of Treasury thereunder require a different allocation or utilization of the amount of the reserve fund or the earnings thereon than is herein provided, the board of supervisors shall order that action with regard to the reserve fund or the earnings thereon as is required by that code or regulations to avoid the interest on the bonds becoming taxable.

(Added by Stats.1986, c. 987, § 16.)

<sup>1</sup> 26 U.S.C.A. § 1 et seq.

**§ 36-19.18. Alternative authorization for improvements**

Sec. 19.18. Sections 19.6 to 19.17, inclusive, provide alternative authorization and proceedings for making improvements, or paying the local share of the cost thereof, and issuing bonds, and may be pursued by the board of supervisors in lieu of any other similar proceedings which are authorized by this act.

(Added by Stats.1986, c. 987, § 17.)

**§ 36-19.19. Validity of proceedings; contests; appeals**

Sec. 19.19. The validity of any proceedings for the issuance of bonds conducted pursuant to Sections 19.6 to 19.17, inclusive, shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the adoption by the board of supervisors of a resolution or resolutions confirming, or modifying and confirming as modified, the engineer's report and authorizing the issuance of bonds. An appeal from a final judgment in such an action or proceeding shall be perfected within 30 days after the entry of judgment. Bonds issued pursuant to Sections 19.6 to 19.17, inclusive, shall be conclusive evidence of the regularity of all proceedings leading up to the issuance of the bonds.

(Added by Stats.1986, c. 987, § 18.)

**§ 36-19.20. Validity of bonds; procedure**

Sec. 19.20. An action to determine the validity of bonds issued pursuant to Sections 19.6 to 19.17, inclusive, and of the annual assessments to be levied on lots and parcels which will derive special benefit from the improvements to be financed therewith to pay the principal of and interest on the bonds, or to determine the validity of assessments levied pursuant to Section 14, may be

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brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(Added by Stats.1986, c. 987, § 19.)

**§ 36-19.21. Establishment of area of benefit; recordation; notice**

Sec. 19.21. The board of supervisors shall, upon confirming the engineer's report and establishing the boundaries of the area of benefit pursuant to Section 14 or Section 19.14, record with the County Recorder of the County of Orange a notice of the establishment of the area of benefit. The notice shall be captioned "Notice of Establishment of Area of Benefit for the \_\_\_\_\_ Project of the Orange County Flood Control District," and shall provide notice of the boundaries of the territory included in the area of benefit by reference to sections, townships, and ranges of the United States Government Survey of public lands, or a map or maps showing the boundaries which may be recorded with the notice. The notice shall further provide notice that all lots and parcels of land in the area of benefit are subject to the annual levy of assessments for the payment of the cost of the construction, maintenance, operation, extension, and repair of any works or improvements or the payment of principal and interest on bonds of the district sold to finance those improvements, or the local share of the cost thereof, and that the amount of annual assessment for any lot or parcel therein may be obtained from the chief engineer of the district. If the board of supervisors determines to provide notice of the boundaries of the territory included in the area of benefit by reference to the sections, townships, and ranges of the United States Government Survey, it need not specifically identify the boundaries, but shall by that reference generally identify the territory included therein. The notice shall be signed on behalf of the district by the chairman of the board of supervisors or the chief engineer. The recording of the notice shall impart constructive notice of its contents to purchasers and mortgagees of property in the area of benefit.

(Added by Stats.1986, c. 987, § 20.)

**§ 36-19.22. Special Assessment Investigation, Limitation and Majority Protest Act; inapplicability**

Sec. 19.22. The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800) of the Streets and Highways Code) does not apply to assessments levied pursuant to Section 14 or Sections 19.6 to 19.14, inclusive.

(Added by Stats.1986, c. 987, § 21.)

**§ 36-20. Repeals or amendments; effect upon obligations**

Sec. 20. No repeal or amendment of this act which shall in any way affect or release any of the property in said district from the obligations of any outstanding bonds or indebtedness of said district, shall go into effect or be

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valid or become operative until all such bonds and outstanding indebtedness have been fully paid and discharged.

(Stats.1927, c. 723, p. 1336, § 20.)

### Library References

Water Law 2856, 2857.  
Westlaw Topic No. 405.

### § 36-21. Liberal construction

Sec. 21. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

(Stats.1927, c. 723, p. 1336, § 21.)

### § 36-22. Partial invalidity

Sec. 22. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

(Stats.1927, c. 723, p. 1336, § 22.)

### § 36-23. Title of act

Sec. 23. This act may be designated and referred to as the "Orange county flood control act" and any reference thereto by such designation shall be deemed sufficient for all purposes.

(Stats.1927, c. 723, p. 1336, § 23.)

## CHAPTER 37

## AMERICAN RIVER FLOOD CONTROL DISTRICT ACT

### Section

- 37-1. Creation of district; boundaries.
- 37-1.5. Boundaries; state maintenance areas 10 and 11.
- 37-2. Object and purposes of act; powers of district.
- 37-3. Trustees.
- 37-4. Election of trustees.
- 37-5. Trustees; vacancies.
- 37-6. Trustees; candidates.
- 37-6.1. Insufficient number of nominees; cancellation of election.
- 37-6.2. Number of nominees equal to number of offices, appointment of nominees; number of nominees fewer than number of offices, appointment of qualified persons.
- 37-6.3. Statement of district secretary concerning elections and nominations.
- 37-6.4. Time for trustees to take office.
- 37-7. Trustees; compensation; president; office; meetings.
- 37-8. Estimate of money needed; surveys, plans, etc.; zones.